

**OFFICE OF THE DIRECTOR**  
**DEPARTMENT OF MOTOR VEHICLES**  
P.O. BOX 932328  
SACRAMENTO, CA 94232-3280



## **TITLE 13: DEPARTMENT OF MOTOR VEHICLES**

### **NOTICE IS HEREBY GIVEN**

The Department of Motor Vehicles (department) proposes to amend Section 17.00 and repeal Section 17.04 in Article 2.0, Chapter 1, Division 1, Title 13 of the California Code of Regulations, related to REAL ID- compliant driver's licenses and identification cards.

### **PUBLIC HEARING**

A public hearing regarding this proposed regulatory action is not scheduled. However, a public hearing will be held if any interested person or his or her duly authorized representative requests a public hearing to be held relevant to the proposed action by submitting a written request to the contact person identified in this notice no later than 5:00 p.m., fifteen (15) days prior to the close of the written comment period.

### **DEADLINE FOR WRITTEN COMMENTS**

Any interested party or his or her duly authorized representative may submit written comments relevant to the proposed regulations to the contact person identified in this notice. All written comments must be received at the department no later than **January 31, 2022**, the final day of the written comment period, in order for them to be considered by the department before it adopts the proposed regulation.

### **AUTHORITY AND REFERENCE**

The department proposes to adopt these regulations under the authority granted by Vehicle Code section 1651, in order to implement, interpret, or make specific Vehicle Code section 681, and Part 37.11 of Title 6 of the Code of Federal Regulations.

### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Beginning on May 3, 2023, a federally-compliant driver's license or identification card will be required to board commercial aircrafts and access federal facilities.

In 2017, the department adopted rules related to the application process for a REAL ID-compliant driver's license or identification card, including documentation acceptable to establish proof of the applicant's legal presence and identity, documentation acceptable as proof of the applicant's social security number, and an exemption process for applicants unable to provide the required documentation.

Section 17.04 requires a REAL ID-compliant driver's license or identification card applicant to submit proof of a valid social security number by providing the department with an original Social Security Administration account card, a W-2 form, an SSA-1099 form, or a paystub that includes the applicant's social security number. When the department adopted Section 17.04 in 2017, the department determined Section 17.04, while largely duplicative of federal rules, was

necessary to comply with the provisions of Title 6, Code of Federal Regulations, Section 37.11(e), requiring proof of a valid social security number.

The REAL ID Modernization Act, signed on December 28, 2020 as part of the Consolidated Appropriations Act of 2021, includes an immediate burden reduction measure that allows states discretion in requiring the submission of separate documentation of the applicant's social security number. Federal rules continue to require that states verify the social security number provided to the Departments of Motor Vehicles during that application process. Pursuant to Title 13, California Code of Regulations, Section 15.04, the department will continue to verify social security numbers provided on driver's license and identification card applications whether the applicant is applying for a REAL ID-compliant driver's license or identification card, or a federal non-compliant driver's license or identification card.

The department proposes repealing Section 17.04 due to federal changes made through burden reduction measures making it discretionary for states to require separate documentation of the applicant's social security number as part of the REAL ID-compliant card application process. The department has determined it will not require separate documentation, as there is currently a process in which the department verifies the social security number provided on the driver's license and identification card application.

#### **CONSISTENCY AND COMPATIBILITY WITH STATE REGULATIONS**

The department conducted a review of other California regulations and has determined that there are no other California regulations related to the application process for REAL ID-compliant driver's licenses or identification cards. Therefore, the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

#### **COMPARABLE FEDERAL STATUTES OR STATE REGULATIONS**

Existing federal rules allow states discretion as to whether to require separate documentation to establish proof of a social security account number. The department will not require such documentation, as there is already an existing process to verify the social security number provided at the time of application, regardless of whether the applicant is applying for a REAL ID-compliant driver's license or identification card or a federal non-compliant driver's license or identification card.

#### **DOCUMENTS INCORPORATED BY REFERENCE**

There are no documents incorporated by reference.

#### **ECONOMIC AND FISCAL IMPACT DETERMINATIONS**

The department has made the following initial determinations concerning the proposed regulatory action:

- Cost or Savings to Any State Agency: Estimated \$9,600,000 savings in the current fiscal year.
- Other Non-Discretionary Cost or Savings to Local Agencies: None.

- Costs or Savings in Federal Funding to the State: None.
- Effects on Housing Costs: None.
- Cost to any local agency or school district requiring reimbursement pursuant to Gov. Code section 17500 et seq.: None.
- Cost Impact on Representative Private Persons or Businesses: The department is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. This action impacts private persons applying for a REAL ID-compliant driver's license or identification card. There is a fee for a driver's license or identification card regardless of whether the card is REAL ID-compliant. However, the cost of a card is unchanged.
- Small Business Impact: This proposed action will not impact small businesses. This action impacts individual applicants for a REAL ID-compliant driver's license or identification card.
- Local Agency/School District Mandate: The proposed regulatory action will not impose a mandate on local agencies or school districts, or a mandate that requires reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- Significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states: The proposed regulatory action will not have a significant statewide adverse economic impact on businesses or the ability of businesses to compete with other states. This action affects individual applicants for a REAL ID-compliant driver's license or identification card.

## **RESULTS OF THE ECONOMIC IMPACT STATEMENT**

The department has made the following determinations when assessing the economic impact associated with this proposed regulation:

The department has determined that this action will not impact: 1) the creation or elimination of jobs within the State of California, 2) the creation or elimination of existing businesses within the State of California, 3) the expansion of businesses currently doing business within the State of California, or 4) worker safety or the state's environment.

This proposed action may benefit California residents by creating a more efficient process by which a person can apply for a REAL ID-compliant driver's license or identification card. The repeal of Section 17.04 is consistent with the intent of the REAL ID Modernization Act in implementing immediate burden reduction measures. This action is unlikely to benefit or affect worker safety or the state's environment.

## **PUBLIC DISCUSSIONS OF PROPOSED REGULATIONS**

A pre-notice workshop, pursuant to Government Code section 11346.45, is not required because the issues addressed in the proposal are not so complex or large in number that they cannot easily be reviewed during the comment period.

## **ALTERNATIVES CONSIDERED**

The department must determine that no reasonable alternative considered by the department or that has otherwise been identified and brought to the attention of the department would be more effective in carrying out the purpose for which the action is proposed, or would be effective as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law.

## **CONTACT PERSON**

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Randi Calkins, Regulations Analyst  
Department of Motor Vehicles  
Legal Affairs Division  
PO Box 932382, MS C-244  
Sacramento, CA 94232-3820

Any inquiries or comments concerning the proposed rulemaking action requiring more immediate response may use:

Telephone: (916) 657-8898  
Facsimile: (916) 657-6243  
E-Mail: [LADRegulations@dmv.ca.gov](mailto:LADRegulations@dmv.ca.gov)

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

Shelly Johnson Marker, Chief of Staff  
Department of Motor Vehicles  
Telephone: (916) 657-6469

## **AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS**

The department has prepared an Initial Statement of Reasons for the proposed regulatory action, and has available all the information upon which the proposal is based. The contact person identified in this notice shall make available to the public upon request the Express Terms of the proposed regulatory action using underline or italics to indicate additions to, and strikeout to indicate deletions from the California Code of Regulations.

The contact person identified in this notice shall also make available to the public, upon request, the Final Statement of Reasons and the location of public records, including reports,

documentation and other materials related to the proposed action. In addition, the above-cited materials (the Notice of Proposed Regulatory Action, the Initial Statement of Reasons, and Express Terms) may be accessed at <https://www.dmv.ca.gov/portal/about-the-california-department-of-motor-vehicles/california-dmv-rulemaking-actions/>.

**AVAILABILITY OF MODIFIED TEXT**

Following the written comment period, and the hearing if one is held, the department may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the fully modified text, with changes clearly indicated, shall be made available to the public for at least 15 days prior to the date on which the department adopts the resulting regulations. Requests for copies of any modified regulations should be addressed to the department contact person identified in this notice. The department will accept written comments on the modified regulations for 15 days after the date on which they are first made available to the public.